

Application No.: 10/805,399**Docket No.: 5002-002****REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-21 remain pending. Claim 1 has been amended to recite that the radiation detector is configured to generate a signal used for generating an image. This feature finds support in the instant specification at page 7, paragraph 29.

The indication of allowable subject matter with respect to claims 13-16, and 21 is noted with appreciation.

Applicant notes that an Information Disclosure Statement was filed on February 17, 2006.

Claims 1-12 are patentable over Sandell et al. (U.S. Patent 5,757,004)

The rejection of claims 1-12 under 35 U.S.C. 103(a) as being unpatentable over Sandell is hereby traversed as Sandell fails to disclose or suggest all of the limitations of the claimed subject matter.

First, Sandell fails to disclose at least “an actuator . . . able to move the sensor assembly in the housing and thereby move the radiation detector in an image plane relative to the optical axis of the lens assembly” as claimed in claim 1. Nowhere does Sandell disclose or suggest an image plane within which an actuator may be configured to cause movement of a radiation detector. Sandell does not disclose or suggest an image plane as Sandell does not generate an image; rather, Sandell appears to rely on infrared radiation flux concentrated toward infrared sensors 12 through the use of Fresnel lenslets 13. Sandell at column 2, lines 56-58 and column 3, lines 1-3. Sandell fails to disclose or suggest an image plane in which sensors 12 are moved.

Second, Sandell fails to disclose at least “wherein the radiation detector is configured to generate a signal used for generating an image” as claimed in amended claim 1. Nowhere does Sandell disclose or suggest that sensors 12 are configured to generate a signal used for generating an image. The Sandell sensors 12 detect motion without being configured to generate a signal used to generate an image.

For each of the above reasons, claim 1 is patentable over Sandell and withdrawal of the rejection

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is respectfully requested.

Claims 2-11 depend, either directly or indirectly, from claim 1, include further limitations, and are patentable over Sandell for at least the reasons advanced above with respect to claim 1. The rejection of claims 2-11 should be withdrawn.

Claims 17-20 are patentable over Wrobel et al. (U.S. Patent 6,563,102) in view of Sandell

The rejection of claims 17-20 under 35 U.S.C. 103(a) as being unpatentable over Wrobel in view of Sandell is hereby traversed as Wrobel, with or without Sandell, fails to disclose or suggest all features of the claimed subject matter.

Wrobel fails to move a radiation detector in a vertical direction within an image plane as claimed in claim 17. Wrobel rotates the imaging device 11 about vertical axis 30 and performs an elevational adjustment about horizontal axis 34, i.e., imaging device 11 angles up from the horizontal axis. The Office Action admits as much by stating that “Wrobel controls the field of view by tilting. Wrobel lacks the step of moving a radiation detector in a vertical direction within an image plane of the driver vision enhancing system.”

The Patent and Trademark Office (PTO) asserts that it would have been obvious to a person of ordinary skill in the art at the time of the present invention to modify the sensor module of Wrobel with the detector motion mechanism of Sandell in view of improvement in the field of view. This is incorrect.

First, Wrobel and Sandell are non-analogous references. A person of ordinary skill in the art would not consider a motion detecting system as in Sandell in order to modify the imaging system of Wrobel. Sandell, as described above, is not an imaging system and relies on changes of infrared flux for making a determination of motion detection and would not be combined with Wrobel. For at least this reason, withdrawal of the rejection is respectfully requested.

Second, the asserted “improvement in field of view” of Sandell is not found in Sandell. Sandell states that the field of view contours differ. Further, Wrobel is concerned with tilting up the sensor module, whereas Sandell is directed to minimizing the amount the forward direction responsiveness is diminished for the motion detector. The effect on the field of view patterns of Sandell are for the downward looking motion detector sensor, this is inapplicable to the elevated sensor module of Wrobel. For at least this reason, withdrawal of the rejection is respectfully requested.

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Third, even assuming *arguendo* that the references were combined, the operation of Wrobel would be changed so as to prevent achieving the stated object of “independent elevational and rotational (or azimuth) movement.” Wrobel at column 2, lines 3 and 4. Elevation modification, in the angular rotation sense, provided by Wrobel would be frustrated using the Sandell system. For at least this reason, withdrawal of the rejection is respectfully requested.

For each of the above reasons, claim 17 is patentable over Wrobel in view of Sandell and withdrawal of the rejection is respectfully requested.

Claims 18-21 depend, either directly or indirectly, from claim 17, include further limitations, and are patentable over Wrobel in view of Sandell for at least the reasons advanced above with respect to claim 17. The rejection of claims 18-21 should be withdrawn.

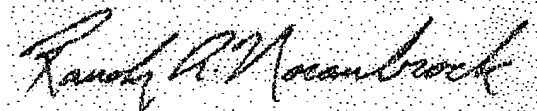
Application No.: 10/805,399**Docket No.: 5002-002****Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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